IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.16650 of 1998

Dated: 26-03-2007

Between:

P. Siva Kumar, s/o Pedda Basanna.

... Petitioner

and

1. The Revenue Divisional Officer,
   Adoni,
   Kurnool District and another.

... Respondents

ORDER:

Questioning the proceedings No.Rc.LRDT-442/98, dated 26-05-1998 on the file of first respondent, the present writ petition has been filed seeking to quash the same, as arbitrary and illegal and consequently direct respondents not to dispossess the petitioner in respect of the land measuring Ac.1-97 cents in Sy.No.43/1 of Thimmapuram village, Chippagiri Mandal, Kurnool District.

2. It is the case of petitioner that his father, late Pedda Basanna,

was inducted into possession of Ac.1-97 cents of agricultural land in Sy.No.43/1 of Thimmapuram village about 14 years back under Section 14 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holding) Act, 1973. After the death of his father, second respondent – Mandal Revenue Officer, issued title deed book, passbook under the Act and also granted D-patta in favour of him in the year 1989 vide R.Dis.43/DAR/1399. It is stated that subsequently based on the report submitted by second respondent, first respondent passed an order on 26-05-1998 canceling the patta granted in favour of petitioner. Assailing the said orders, petitioner filed the present writ petition.

3. Heard learned counsel for the parties.

4. After the death of the original assignee, the then Mandal Revenue Officer, Chippagiri Mandal granted 'D-Form' patta in the year 1989 in favour of petitioner by proceedings in R.Dic.43/DAR/1398 and the same was cancelled by first respondent – Revenue Divisional Officer by his proceedings dated 26-05-1998. Evidently, as against the orders passed by first respondent – Revenue Divisional Officer, an appeal is provided for under Section 4-A of the Act. The petitioner instead of availing the remedy of appeal approached this Court and filed the present writ petition in a posthaste manner. Further, this Court while issuing *Rule nisi,* in W.P.M.P. No.19821 of 1998 granted interim suspension of the orders passed by first respondent. In these circumstances, I deem it appropriate to dispose of the writ petition with a direction to petitioner to approach the appellate authority and file a regular appeal within a period of four weeks from the date of receipt of a copy of this order. Having regard to the fact that the petitioner is continuing in possession of the land in question, the said possession

shall not be disturbed till the appeal is filed.

5. Accordingly, the writ petition is disposed of. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.26-03-2007
GLV